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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,710

Applicant(s)

ISOMAKI ET AL.

Examiner

ROBERT W. WILSON

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 20-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 20-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-15, & 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (U.S. Patent No.: 6,725,053).

Referring to claim 1, the first embodiment of Rosen teaches: A method (Fig 1 performs the method) comprising:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition first embodiment of Rosen teaches:

Regarding claim 2, wherein including the floor status information comprises including the floor status information in an offer for the communication session. (grant permission or offer per col. 4 line 34 to 46)

Referring to claim 3, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 2

The first embodiment of Rosen does not expressly call for: further comprising an indication that the floor is taken in the offer

The second embodiment of Rosen teaches: further comprising an indication that the floor is taken in the offer (Net status in response to conflicting request per col. 6 line 59 to col. 7 line 23)

It would have been obvious to add the further comprising an indication that the floor is taken in the offer of the second embodiment of Rosen to the processing of the combination of the first and second embodiments of Rosen in order to better arbitrate the request processing.

Referring to claim 4, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 1

The first embodiment of Rosen does not expressly call for: wherein the including the floor status information comprises including in an answer to an offer for the communication session

The second embodiment of Rosen teaches: wherein the including the floor status information comprises including in an answer to an offer for the communication session (Beginning (answer) in response to push-to talk request per col. 6 line 59 to col. 7 line 23)

It would have been obvious to add the wherein the including the floor status information comprises including in an answer to an offer for the communication session of the second embodiment of Rosen to the processing of the combination of the first and second embodiments of Rosen in order to better arbitrate the request processing.

In addition the first embodiment of Rosen teaches:

Regarding claim 5, further comprising including an indication that a floor is granted in the answer (grant permission or answer per col. 4 line 34 to 46)

Referring to claim 7, the combination of the first and second embodiment of Rosen teach: the method as claimed in claim 1 and First embodiment teaches: carrying a push to talk service session (Carrying a PTT associated with net or session per col. 3 line 5 to col. 6 line 30)

The first embodiment of Rosen does not expressly call for: session initiation protocol.

The second embodiment of Rosen teaches: session initiation protocol (Per Fig 2 and per col. 6 line 59 to col. 7 line 10)

It would have been obvious to add session initiation protocol of the second embodiment to the processing of the combination of the first and second embodiment in order to implement the arbitration using a standards based protocol which will allow for interoperability with standards based system.

In addition the first embodiment of Rosen teaches:

Regarding claim 8, the combination of the first and second embodiment teach: the method as claimed in claim 1 and First embodiment teaches: carrying a push to talk service session (Carrying a PTT associated with net or session per col. 3 line 5 to col. 6 line 30)

Regarding claim 9, further comprising sending the message over an internet protocol multimedia subsystem (Video and music or multimedia over IP per col. 3 lines 37 to 56)

Regarding claim 10, further comprising sending the message over a general packet radio service network (GSM per col. 3 lines 33 to 35 which inherently has a GPRS)

Regarding claim 11, further comprising providing communication session using a packet data protocol context (GSM per col. 3 lines 33 to 35 which inherently has data protocol context)

Regarding claim 12, wherein the sending of the message comprises sending a message form an application server operatively connected to the communication system (GSM per col. 3 lines 33 to 35 which inherently has application server connected to the communication system)

Regarding claim 13, wherein the sending the message comprises sending a message from a push-to-talk over cellular server (sending a push-to-talk request per is sent over BTS per Fig 1 or cellular server)

Referring to claim 14, The first embodiment of Rosen teaches: a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute the process, the process comprising: (memory and processor per col. 4 lines 9 to 11 and software per col. 6 line 1) processing comprising:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment of Rosen does not expressly call for: session description protocol

The second embodiment of Rosen teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment of Rosen in performing requesting and granting of the first embodiment of Rosen in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 15, The first embodiment of Rosen teaches: a communication system to provide communication session (Figure 1 shows the system for providing communication net or session) comprising:

A data network configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network per Fig 1. The data network has inherent resources such as bandwidth which is allocated)

An application server configured to connect to the data network (The CM or application server is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1)

wherein the application server is configured to include a floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session and to send the message to a user equipment via the data network (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and to send the message to user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and a processor configured to generate the message is generated as an alert (CM has a processor per col. 4 lines 8 to 11 and alert message is generated per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 20, The first embodiment of Rosen teaches: An apparatus (CM per Fig 1) comprising:

Processor configured to Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: CM has a processor per 4 line 8 to 11 which respond when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

Wherein the processor is sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) via processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and configured to generate the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

In addition first embodiment of Rosen teaches:

Regarding claim 21, further comprising a push to talk application server (The CM (application server) sends a response to push-to-talk request per col. 3 line 5 to col. 6 line 30)

Regarding claim 22, wherein the processor is configured to connect to an internet protocol multimedia subsystem (processor per col. 4 lines 8-11 with Video and music or multimedia over IP per col. 3 lines 37 to 56)

Regarding claim 23, wherein the processor is configured to include the floor status information at least one of an offer for the communication session or an answer to the offer of the communication session (processor per col. 4 lines 8-11 provides grant request or offer per col. 3 line 5 to col. 6 line 30)

Referring to claim 24, the first embodiment of Rosen teaches: A system (Fig 1 comprising:

node configured to including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM or node. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user by the the CM per Figure 1 and per col. 3 line 5 to col. 6 line 30)

processor is configured to send the message from a communication system to a user equipment (The floor status message is sent from the communication manager via the processor per col. 4 lines 8 to 11 to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 25 the combination of embodiments 1 and 2 of Rosen teach: the system of claim 24 and the message.

The first embodiment does not expressly call for: correlated to session description protocol.
The second embodiment teaches: correlated to session description protocol (per Figure 2 and per col. 6 line 59 to col. 7 line 10)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add correlated to session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 26, the first embodiment of Rosen teaches: A system (Fig 1) comprising:

Including means for including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including means. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, 0r 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and generating means for the message (processor per col. lines 8 to 11 or generating means for generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to generating means of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 27, The first embodiment of Rosen teaches: a communication system to (Figure 1 shows the communication system) comprising:

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A data network means configured to provide data communication resources (The combination of the wireless to the BTS and the wired WAN to the CM BTS and NBS as well as The Internet is the data network means per Fig 1. The data network has inherent resources such as bandwidth which is allocated)

application server means for connecting to the data network (The CM or application server has an inherent interface or means for connecting which is connected to wired WAN, BTS, BSC, Internet and wireless devices via the data network per Fig 1)

wherein the application server is configured to include a floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session and to send the message to a user equipment via the data network (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30) and sends a message to user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, Or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and generating means for generating the message (The message is generated as an alert by CM has a processor or generating means per col. 4 lines 8 to 11 and alert message is generated per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Referring to claim 28, the first embodiment of Rosen teaches: A apparatus (Fig 1) comprising:

Including means for including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (The first embodiment teaches: when a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM which has a processor per col. 4 lines 8 to 11 or including

means. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

sending means for sending a message the message from a communication system to a user equipment (The floor status message is sent from the communication manager which has an inherent port to the WAN or sending means for sending a message to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30)

and generating means for the message (processor per col. lines 8 to 11 or generating means for generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment to generating means of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

4. Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (U.S. Patent No.: 6,725,053) in view of Doshi (U.S. Patent No.: 5,729,536)

Referring to claim 29, the first embodiment of Rosen teaches: A method (Fig 1 performs the method) comprising:

Receiving separately data communication media information for the communication session (CM streams media to listener (418 per Fig 4)) and floor status information of the data communication media in relation to the party of the communication session (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58. Both media data and signaling data are sent over the reverse link per col. 5 lines 1 to 5. The floor status sent over available forward channel per col. 10 lines to 15)

Indicating a floor status to a party (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

The combination of embodiments of Rosen do not expressly call for: a message carrying both media data and signaling

Doshi teaches: a message carrying both media data and signaling (in-band signaling in the traffic channel data while still carrying call set up or out of band signaling in another channel per col. 1 lines 42 to 55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the message carrying both media data and signaling of Doshi in place of the separate media data and floor status processing of Rosen in order to create a single message which has in band signaling in order to lower the delay associated with receiving the floor status message.

In addition Rosen teaches:

Regarding claim 30, wherein the indicating the floor information to the party comprises indicating that a floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Regarding claim 31, wherein the indicating the floor status information to the party comprises indicating that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Referring to claim 32, The first embodiment of Rosen teaches: an apparatus (processor per col. 4 lines 9 to 11) the processor (col. 4 lines 9 to 11) configured to

receiving separately data communication media information for the communication session (CM streams media to listener (418 per Fig 4)) and floor status information of the data communication media in relation to the party of the communication session (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58. Both media data and signaling data are sent over the reverse link per col. 5 lines 1 to 5. The floor status sent over available forward channel per col. 10 lines to 15)

configured to provide an indication of floor status to a party (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

The combination of embodiments of Rosen do not expressly call for: a message carrying both media data and signaling

Doshi teaches: a message carrying both media data and signaling (in-band signaling in the traffic channel data while still carrying call set up or out of band signaling in another channel per col. 1 lines 42 to 55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the message carrying both media data and signaling of Doshi in place of the separate media data and floor status processing of Rosen in order to create a single message which has in band signaling in order to lower the delay associated with receiving the floor status message.

In addition Rosen teaches:

Regarding claim 33, wherein the processor is configured to indicate that floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58) wherein the indicating

Regarding claim 34, wherein the processor is configured to indicate the floor status information to the party comprises indicating that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Referring to claim 35, The first embodiment of Rosen teaches: a computer program embodied on a computer readable medium comprising a program code configured to control a processor to execute the process, the process comprising: (memory and processor per col. 4 lines 9 to 11 and software per col. 6 line 1) the process comprising:

Receiving separately data communication media information for the communication session (CM streams media to listener (418 per Fig 4)) and floor status information of the data communication media in relation to the party of the communication session (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58. Both

media data and signaling data are sent over the reverse link per col. 5 lines 1 to 5. The floor status sent over available forward channel per col. 10 lines to 15)

Indicating a floor status to a party (the user receives positive or negative confirmation from the server of floor status per col. 1 lines 54 to 58)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

The combination of embodiments of Rosen do not expressly call for: a message carrying both media data and signaling

Doshi teaches: a message carrying both media data and signaling (in-band signaling in the traffic channel data while still carrying call set up or out of band signaling in another channel per col. 1 lines 42 to 55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the message carrying both media data and signaling of Doshi in place of the separate media data and floor status processing of Rosen in order to create a single message which has in band signaling in order to lower the delay associated with receiving the floor status message.

In addition Rosen teaches:

Regarding claim 36, wherein the indicating the floor information to the party comprises indicating that a floor is taken (negative confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Regarding claim 37, wherein the indicating the floor status information to the party comprises indicating that a floor is granted (positive confirmation from the server relative to PTT request per col. 1 lines 54 to 58)

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 29-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 29, claim 29 is directed to a method in which no physical structure is defined to perform the method. The steps of the method do not perform a physical transformation. Method claims without physical structure to perform method or do not perform a physical transformation are non-statutory. None of the dependent claims that depend upon claim 29 correct these deficiencies so the dependent claims are also non-statutory.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 32-34 are rejected under 35 U.S.C. 112, because are a single means claim.

Referring to claim 32, this claim is directed to an apparatus which has a processor configured to receive a message or means of receiving a message. Only one means is mentioned so this claim is a single means. None of the dependent claims associated with claim 32 correct this deficiency so they are also single means claims.

Response to Amendment

9. Applicant's arguments filed 12/12/08 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with the applicant argument that Rosen does not expressly teach all of the features or elements of the presently pending claims. Specifically Rosen does not teach: Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session

The first embodiment of Rosen teaches: Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication

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manager or CM. If no other net member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 4 line 34 to 46. Additionally on col. 1 lines 54 to 60 states that both a positive and negative from a server are sent.)

Clearly Rosen teaches: a negative response as well as a positive response are sent back to the CM. The CM is connected to a BSC/MSC/IWF per Fig 1. Rosen also teaches that in the case that the channel is not used an alert comes back to the CM. This alert can be audible or visual or tactile. The positive response and negative response are both encoded and sent in a message which is communication media information about a session.

The applicant goes on to argue that Rosen does not teach: carry data communication media information.

Rosen teaches: carry data communication media information (Both the positive response and negative response are data which are media communication information themselves and they carry the status of the media communication channel per Figure 1 and per col. 4 line 34 to 46. and per col. 1 lines 54 to 60)

The applicant goes on to argue that Rosen does not teach including: floor status information of a data communication media ... in a message carrying data communication media information for the communication session. The examiner points out that the applicant's claim language is not: floor status information of a data communication media ... in a message carrying data communication media information for the communication session. The applicant has claimed: including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session. The examiner explained above how this limitation is taught so that argument will not be repeated.

Applicant goes on to argue that Rosen does not teach: a "message" which includes both "floor status information" and "data communication media information". The examiner goes on to point out that the applicant has not claimed both "floor status information" and "media information" which are two separate entities. The examiner has interpreted the claim that the both the positive and negative response are sent back are floor status and they are a communication media information describing the status of the channel.

The examiner respectfully disagrees with the applicant argument that Rosen does not teach: generating the message in accordance with session description protocol.

The first embodiment of Rosen teaches: And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per

Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

Clearly the first embodiment teaches: sending a message (a message has to be generated in order to be sent)

The second embodiment suggests: session description protocol.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

The examiner respectfully disagrees with the applicant's argument that because Rosen teaches: that floor status signaling and media status signaling are done over different channel that Rosen does not teach: including floor status information of a data communication media...in a message carrying data communication media information". The examiner clearly explained above that the examiner has interpreted both the positive and negative responses which are received back are floor status information and they are encoded as media information message about a channel and therefore read on the applicant claimed invention. The examiner asserts that what the applicant believes they have claimed and what the broadest interpretation of the claim is different; therefore, the examiner asserts applicant argument is not persuasive.

The examiner disagrees with the applicant argument that because session description protocol when combined with as sending the alert message would not produce the claimed invention.

The first embodiment of Rosen teaches: A method (Fig 1 performs the method) comprising:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (When a net user or session participant pushes PTT a floor control request is sent to obtain permission from a communication manager or CM. If no other net

member or session member is currently assigned the floor a grant of transmission privilege or communication session message carrying an alert or media information for the communication session is sent to the requesting net user per Figure 1 and per col. 3 line 5 to col. 6 line 30)

And sending the message from a communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the requesting net user via 102, 104, or 106 or user equipment per Figure 1 and per col. 3 line 5 to col. 6 line 30) and generating the message is generated as an alert per Figure 1 and per col. 3 line 5 to col. 6 line 30)

The first embodiment does not expressly call for: session description protocol

The second embodiment teaches: session description protocol per Figure 2 and per col. 6 line 59 to col. 7 line 10

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the session description protocol of second embodiment in performing requesting and granting of the first embodiment in order to simplify the task of responding to request while retaining flexibility for future enhancements while making the system standards compliant so the system will interoperate with legacy systems.

The examiner respectfully disagrees with the applicant's argument the combination of embodiments of Rosen do not teach the claimed invention. Clearly they do based upon the above argument.

The examiner disagrees with the applicant argument that combining the two references could not be made into a working model because the applicant takes things out of context and argues in a piecemeal fashion that the combination would not work. Applicant's created rejection and argument is not relevant because it does not relate to the examiner rejection directly. The examiner respects the applicant opinion but applicant has failed to provide specific evidence that specifically teaches that the positive or negative response should be encapsulated and sent in a session description protocol. The applicant has failed to provide any probative evidence that the two embodiments could not be made into a working model.

The examiner also points out in light of the KSR decision that a reference is not required to provide a specific teaching as to why the two references should be combined; consequently, the examiner is totally confused as to why the applicant would cite paragraphs of Rosen that suggestion session description protocol must only be used to start and end participation of a communication device within a network broadcast service. The motivation to combine has nothing to do with applicant's cited paragraph in Rosen.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

//Robert W Wilson/
Primary Examiner, Art Unit 2419

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